

REMARKS

In the Office Action dated June 16, 2009, the Examiner rejects claims 3, 9, 10, 15 and 23 under 35 U.S.C. § 112, first and second paragraph, stating that “a human of average physical size” is vague. The Examiner rejects claims 1, 2, 7, 8, 13, 14, 19, 20 and 22 under 35 U.S.C. § 102(b) and rejects claims 3, 5, 6, 9, 11, 12, 15, 17, 18, 21, 23 and 25 under 35 U.S.C. § 103(a). With this Amendment, Applicant has amended claims 1-3, 6-9, 13-15, 18, 19, 22 and 23. Claims 4, 10, 16 and 24 were canceled in a previous response. After entry of this Amendment, claims 1-3, 5-9, 11-15, 17-23 and 25 are pending in the Application. Reconsideration of the Application as amended is respectfully requested.

Rejections under 35 USC §112

Claims 3, 9, 15 and 23 are rejected under 35 U.S.C. § 112, first and second paragraph, on the stated basis that “a human of average physical size” is unclear. To address the Examiner’s concerns, Applicant has amended claims 3, 9, 15 and 23 to eliminate this language. Applicant respectfully submits that these amendments overcome the rejections under 35 U.S.C. §112.

Rejections under 35 USC §102(b)

The Examiner rejects claims 1, 2, 7, 8, 13, 14, 19, 20 and 22 under 35 U.S.C. § 102(b) as being anticipated by Kanamori (JP 62-146745). Independent claims 1, 7, 13 and 19 (and claims 2, 8, 14, 20 and 22 by their dependency) as amended recite in general an automatic driving position adjustment system comprising: (a) a first adjustable component adjustable by an operator; (b) a plurality of additional adjustable components each having a plurality of adjustment directions; (c) a controller configured to receive vehicle signals and determine at least an interlocked state wherein the vehicle is stopped and a non-interlocked state wherein the vehicle is moving, from the vehicle signals; (d) at least one movement-distance sensor that senses the distance that the first adjustable component moves in a plurality of adjustment directions when adjusted by the operator and generates an output signal indicative of the

distance, wherein the controller, when in the interlocked state, is responsive to the output signal of the at least one movement-distance sensor and configured to compute a distance that the plurality of additional adjustable components are to move in the plurality of adjustment directions on the basis of the distance moved by the first adjustable component, and wherein the controller, when in the non-interlocked state, is not responsive to the output signal of the at least one movement-distance sensor; and (e) a plurality of motors, each of which is actuated by the controller when in the interlocked state and is drivingly engaged to one of the plurality of additional adjustable components to move in the plurality of adjustment directions of the additional adjustable component the distance as computed by the controller. Support for the amendments can be found in FIG. 1 and the specification in ¶¶ [0016]– [0030] and [0044]– [0045].

The Examiner contends on page 4 of the Office Action that Kanamori teaches each and every element of independent claims 1, 7, 13 and 19. However, Kanamori does not teach or suggest a plurality of additional adjustable components each having a plurality of adjustment directions. Kanamori only discloses moving the driving pedal in one direction based on moving the seat in a single direction. The Examiner details the relationship between the pedal and the seat in his office action on page 4. In addition, Kanamori does not disclose an interlock and non-interlock state wherein the vehicle is stopped or moving. Kanamori only discloses in the abstract that the interlocked state is judged when the vehicle speed is low, not zero as when the vehicle is stopped. The Examiner states on page 4 of the Office Action that when in the non-interlocked state, the controller of Kanamori is not responsive to the sensor, i.e., if a relay switch is off or ignition is off. However, the pending claims recite that the non-interlocked state is when the vehicle is moving. If the ignition is off as the Examiner states, the vehicle is not moving.

For at least these reasons, Applicant submits that claims 1, 7, 13 and 19 and claims 2, 8, 14, 20 and 22 by their dependency are not anticipated by Kanamori. Applicant respectfully submits that the claims are in condition for allowance, notice of which is requested.

Rejections under 35 USC §103(a)

The Examiner rejects claims 3, 5, 9, 11, 15, 17, 23 and 25 under 35 U.S.C. §103(a) as being unpatentable over Kanamori or in the alternative Kanamori in view of Ohki et al. (US 2002/00332297).

Claims 3, 5, 9, 11, 15, 17, 23 and 25 depend from one of claims 1, 7, 13 and 19 to include all of the limitations therein. As explained above with respect to claims 1, 7, 13 and 19, Kanamori does not teach or suggest interlocked and non-interlocked states determined by a controller based on vehicle signals, a controller that only acts if in the interlocked state and a plurality of additional adjustment components capable of a plurality of adjustment directions. Kanamori also does not render obvious the elements of claims 1, 7, 13 and 19. Therefore, Kanamori does not render unpatentable claims 3, 5, 9, 11, 15, 17, 23 and 25, which depend from one of claims 1, 7, 13 and 19.

Ohki et al. would need to cure the deficiencies of Kanamori for the combination of Kanamori and Ohki et al. to render claims 3, 5, 9, 11, 15, 17, 23 and 25 unpatentable. However, Ohki et al. fails to teach or suggest interlocked and non-interlocked states determined by a controller based on vehicle signals, a controller that only acts if in the interlocked state and a plurality of additional adjustment components capable of a plurality of adjustment directions. Therefore, combining Ohki et al. with Kanamori fails to cure the deficiencies of Kanamori.

For at least these reasons, Applicant submits that claims 3, 5, 9, 11, 15, 17, 23 and 25 by their dependency on one of claims 1, 7, 13 and 19 are allowable over Kanamori alone or in combination with Ohki et al.

The Examiner rejects claims 6, 12, 18 and 21 under 35 U.S.C. §103(a) as being unpatentable over Kanamori in view of Wang (US 2004/0109247). Claims 6, 12, 18 and 21 depend from one of claims 1, 7, 13 and 19 to include all of the limitations therein. As explained above with respect to claims 1, 7, 13 and 19, Kanamori does not teach or suggest interlocked and non-interlocked states determined by a controller based on vehicle signals, a controller that only acts if in the interlocked state and a plurality of additional adjustment components capable of a

plurality of adjustment directions. Kanamori also does not render obvious the elements of claims 1, 7, 13 and 19.

For the combination of Kanamori and Wang to render obvious the claims, Wang must cure the deficiencies of Kanamori. However, Wang does not teach interlocked and non-interlocked states determined by a controller based on vehicle signals, a controller that only acts if in the interlocked state, and a controller that calculates distances to move rather than absolute positions. Furthermore, Wang does not teach first and second adjustable components as claimed by Applicant. Therefore, Wang does not cure the deficiencies of Kanamori, and the combination does not render the claims unpatentable.

For at least these reasons, Applicant submits that claims 6, 12, 18 and 21 by their dependency on one of claims 1, 7, 13 and 19 are allowable over Kanamori in combination with Wang.

Conclusion

It is submitted that this Amendment has antecedent basis in the Application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the Application as amended is requested. It is respectfully submitted that this Amendment places the Application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present Application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Francine Nesti".

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